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and Carlos E. Fonte*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 GAIL E. SANDLER,

11 Plaintiff,

12 vs.

13 CARLOS E. FONTE M.D., LTD., a Nevada
14 professional corporation, dba ADVANCED
15 CARDIOVASCULAR SPECIALISTS; and
CARLOS E. FONTE, individually,

16 Defendants.

17 Case No. 2:21-cv-01044- JCM-VCF

18 **STIPULATION AND [PROPOSED]
ORDER TO STAY DISCOVERY
PENDING EARLY NEUTRAL
EVALUATION SESSION**

19 IT IS HEREBY STIPULATED by and between Plaintiff Gail E. Sandler (“Plaintiff”),
through her counsel Law Offices of Robert P. Spretnak, and Defendants Carlos E. Fonte M.D.,
Ltd. dba Advanced Cardiovascular Specialists and Carlos E. Fonte (“Defendants”), through their
counsel Jackson Lewis P.C., as follows:

20 1. The Early Neutral Evaluation (“ENE”) Session was originally scheduled for this
matter for August 13, 2021. On August, 12, 2021, due to an unexpected conflict, the Court *sua
sponte* vacated the August 13, 2021 ENE (ECF No. 16). Due to the limited availability of the
Court to reschedule the ENE, the earliest date on which all Parties were available was December
3, 2021. The Court moved the ENE to December 3, 2021 (ECF No. 19).

21 2. The parties stipulate and agree to stay discovery until the ENE is conducted on
December 3, 2021. ENEs are usually conducted early in the discovery period to allow parties the

1 opportunity to attempt resolution, or at least to narrow the scope of discovery, prior to expending
2 substantial time and money on discovery. The parties had already made initial disclosures and
3 were poised to attend the ENE on August 13, 2021, in a good faith attempt to resolve this case
4 without incurring the time and expense of discovery. Unfortunately, due to the Court's conflict
5 and rescheduling of the ENE, the ENE will not be conducted until December 3, 2021, which is
6 several months into the initial discovery period. The parties would like to devote their time and
7 attention to resolving this matter, prior to incurring additional discovery costs, which will include
8 written discovery by other parties, depositions, and third-party discovery.

9 3. The parties further stipulate and agree that if they are unable to resolve this action
10 at or before the ENE, they will promptly reconvene a Rule 26(f) conference and submit a
11 proposed Amended Discovery Plan and Scheduling Order, on or before December 10, 2021
12 (which is one week following the December 3, 2021 ENE).

13 4. At present, the following discovery has been completed in this matter:

- 14 (a) Plaintiff served her Initial Disclosures on July 16, 2021;
15 (b) Defendants served their Initial Disclosures on July 23, 2021.

16 5. The Stipulated Discovery Plan and Scheduling Order in this matter was entered on
17 July 2, 2021. (ECF 14). Discovery that remains to be completed in this matter includes written
18 discovery requests (e.g., interrogatories, document requests, requests for admission, etc.),
19 potential third-party discovery (e.g., subpoenas, etc.), and the depositions of Plaintiff, Defendant
20 Fonte, and any other Defense witnesses.

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1 6. This stipulation is presented in good faith and not for purposes of delay. No prior
2 request for any extension of scheduling or discovery deadlines has been made.

3 Dated this 26th day of October, 2021.

4 LAW OFFICES OF ROBERT P. SPRETNAK

5 JACKSON LEWIS P.C.

6 */s/ Robert P. Spretnak*

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10 *Attorney for Plaintiff*

11 */s/ Deverie J. Christensen*

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16 *Attorneys for Defendant*

17 **ORDER**

18 IT IS SO ORDERED:



19 _____
20 United States Magistrate Judge

21 Dated: 10-27-2021

22 4814-0910-8989, v. 1